

**Before the  
DEPARTMENT OF COMMERCE  
Washington, D.C. 20230**

<b>In the Matter of</b>	)	
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	)	
<b>United States Department of Commerce's</b>	)	
<b>National Telecommunications and Information</b>	)	
<b>Administration Seeks Comments on Policy</b>	)	<b>Docket No. 040127027-4027-01</b>
<b>Reforms Relative to the Management of the</b>	)	
<b>National Resource Known As "Radio Frequency</b>	)	
<b>Spectrum"</b>	)	
	)	

**Comments of Industrial Telecommunications Association, Inc.**

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its comments in response to the National Telecommunications and Information Administration's (NTIA) *Notice of Inquiry* (NOI) in the above-referenced matter.<sup>1</sup> The NOI solicits comments on policy recommendations that would facilitate the implementation of a modernized, comprehensive, national spectrum policy that would promote efficient spectrum use among public and private spectrum inhabitants.<sup>2</sup> First, ITA would like to applaud NTIA's efforts to improve the nation's spectrum management policies, but would like to note the importance of maintaining adequate interference protection criteria to incumbent operations. Furthermore, ITA explains how Private Land Mobile Radio (PLMR) licensees operate in a spectrally efficient manner through frequency coordination and engineering practices.

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<sup>1</sup> See United States Spectrum Management Policy for the 21<sup>st</sup> Century, *Notice of Inquiry*, Docket No. 040127027-4027-01, (rel. Feb. 18, 2004), (NOI).

<sup>2</sup> NOI at p. 1.

## **I. Statement of Interest**

ITA is a Commission-certified frequency advisory committee coordinating in excess of 13,000 applications per year on behalf of applicants seeking Commission authority to operate on a wide-variety of frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a membership including more than 2,100 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

Alliance of Motion Picture and Television Producers  
Aeronautical Radio, Inc.  
National Propane Gas Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communications Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

ITA's extensive involvement with the private land mobile industry expands into many services including: application preparation for public safety and first responders; coordination and engineering services for industrial/business users, commercial licensees under Part 90 of the Commission's rules, and PMRS radio dealers; protection of petroleum service users through a contractual agreement with the American Petroleum Institute; an industry liaison for equipment manufacturers and end users, as well as band managers and end users; the Commission's first line of post-licensing, interference resolution; and various other services.

## **II. Background**

On May 29, 2003, the President signed an Executive Memorandum directing the Department of Commerce to improve spectrum management by modernizing spectrum policies

and developing further incentives for efficient spectrum use, among other policy objectives.<sup>3</sup> In an effort to address these policy objectives, the NTIA released the instant NOI soliciting comments on the state of America's spectrum management policies.<sup>4</sup>

### **III. Discussion**

ITA is encouraged by the steps being taken to develop more cohesive and modern spectrum management policies; however, ITA stresses the importance of protecting the rights of incumbents and recognizing the efficient operations of PLMR licensees while promoting efficient spectrum use and facilitating spectrum access through new and emerging technologies.

#### **A. Sound Spectrum Policy Would Protect Incumbent Licensees with Specifically Defined Interference Protection Criteria**

Mandating and enforcing adequate interference protection rules for incumbent licensees and services will be vital to increasing efficient spectrum-use and providing incentives for new and emerging technologies. ITA believes that, through long-range planning with public participation,<sup>5</sup> the NTIA and the Federal Communications Commission (FCC) alike could develop necessary interference protection criteria of Federal, public safety and private wireless licensees, among others. Clearly defined spectrum-use rules could not only advance more efficient use of the spectrum but also encourage further investment by incumbents and new entrants to the spectrum-use market. The FCC's Spectrum Policy Task Force noted in its November 2002 Report that spectrum rights and responsibilities of licensees, including protection from harmful interference, should be clearly defined by the Commission.<sup>6</sup>

As a trade association representing an industry in need of additional spectrum access, ITA supports the promotion of efficient spectrum use, but such access should not come at the

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<sup>3</sup> See Presidential Memorandum on Spectrum Policy for the 21<sup>st</sup> Century, 69 Fed. Reg. 1568 (Jan. 9, 2004).

<sup>4</sup> See generally NOI.

<sup>5</sup> NOI at ¶ 8, where NTIA sought comment on long-range spectrum management policies.

<sup>6</sup> See Spectrum Policy Task Force Report, ET Docket No. 02-135, (rel. Nov. 7, 2002) at p. 17-19.

expense of harmful interference to incumbent operations. The NTIA and the FCC must remain cognizant of the importance of interference-free operations in the private land mobile industry, including public safety and mission-critical communications. Private radio systems are used in every aspect of the American economy from overseeing the operations of an airport to protecting the safety of employees at construction sites. While reevaluating and modernizing current spectrum management policies, these critical licensees must have confidence that their current operations will be protected from harmful interference.

Ironically, unacceptable levels of interference to many PLMR incumbents would render those licensees' operations unusable; thus, negating the intended goals of increasing spectrum efficiency. The rewards gained from more spectrally efficient operations could be lost in operating environments overrun with unacceptable interfering devices if rules and regulations are not clearly defined. In light of the above, ITA suggests that these agencies continue to solicit input in the form of comments from industry to develop further interference-protection criteria standards for incumbent licensees and services during spectrum policy reforms.<sup>7</sup>

#### **B. PLMR Spectrum Use Remains Efficient with Spectrum Sharing Through Frequency Coordination and Engineering Standards**

Licensed services with shared licensees are an intrinsically efficient way in which to operate on spectrum. In this licensing method, unused spectrum can be coordinated and used by an eligible entity by simply applying for a license, through the FCC, to share spectrum with geographic neighbors. The vast majority of PLMR licensees utilize conventional equipment on non-exclusive spectral assignments in a shared environment. The channels chosen for their

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<sup>7</sup> See One-Day Spectrum Efficiency and New Technology Forum, *Incentives for More Efficient and Beneficial Spectrum Use*, U.S. Department of Commerce Herbert C. Hoover Building, (Dec. 9, 2003). See also National Forum on Public Safety Spectrum Management, *A Public Meeting to Address the President's Memorandum on Spectrum Policy and Discuss Issues of National Importance*, Omni Shoreham Hotel, (Feb. 10-11, 2004). See also The SAFECOM Program Invites Public Safety Community to Provide Input to the President's Initiative to Improve Spectrum Management, Fax Alert, (rel. March 4, 2004)

operations are determined by frequency coordinators based on the co-channel and adjacent channel incumbents and their operations in the spectral and physical environment.<sup>8</sup> Licensees with exclusivity in a shared PLMR service<sup>9</sup> are using these authorizations for safety-of-life applications that require redundant systems and excess capacity in the event of an emergency. Efficiency in these cases must consider redundancy and excess capacity as criteria worthy of evaluating the “efficiency” of a system. Thus, whether shared or exclusive in shared service, PLMR operations by their nature operate efficiently on the spectrum that has been allocated to them.

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<sup>8</sup> See 47 C.F.R. § 90.7.

<sup>9</sup> See Licensees that have obtained exclusivity in shared services have done so through the frequency coordination process by demonstrating that their operations would not overlap the service area contour of incumbent licenses.

#### **IV. Conclusion**

ITA commends the efforts of the NTIA to seek the input of industry to develop a complete record in facilitating the modernization of spectrum management policies. ITA supports the goal of increasing spectrum efficiency and encouraging new technologies, but those goals must not be achieved through the degregation of incumbent operations. Moreover, ITA would like to reiterate that the land mobile industry, through the use of frequency coordination and engineering procedures has and continues to operate in an efficient manner on shared radio spectrum.

Respectfully Submitted,

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